IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl.L.P..No. 701 of 2006()

CC.176/2003 of C.J.M.PATHANAMTHITTA

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COMPLAINANT/PETITIONER

EAPEN THOMAS,
CRAZIL KUTTIKANDATHIL VEEDU,
THEODICAL, VELLIYARA MURI,
AYROOR VILLAGE.

BY ADV. SRI. K.SHAJ
SRI.B.BALRAJ
SRI.SAJJU.S

RESPONDENTS: ACCUSED AND STATE

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1. THOMAS MATHEW,
PLACHERIL VEEDU, VELLIYARA VEEDU,
AYROOR VILLAGE.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P.SRI.C.M.NAZAR FOR R2

THIS CRIMINAL LEAVE PETITION HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. Thankappan, J.

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Crl.L.P. No. 701 of 2006

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Dated this the 20th December,2006.

O R D E R

This is a petition to special leave to appeal filed by the complainant in C.C.No.178/2003 on the file of the Chief Judicial Magistrate Court, Pathanamthitta. In the complaint it is alleged that the 1st respondent had presented a petition through his superior officer containing imputation so as to harm the reputation of the appellant . After considering the evidence, the trial court found that "**on a scrutiny of the evidence of PW1 it is clear and convincing that what has been stated in Ext.P1 had been made in good faith and the same was made for the protection of the interest of the accused and the interest of the family members of the wife of the accused".** The trial also found that "**there is no force in the argument of the learned counsel appearing for the complainant that the writings in Ext.P1 would amount to libel and the same was not coming within the ambit of the Nineth Exception of Section 499 IPC**".

2. Considering the entire facts and circumstances of the case, this Court is of the view that the impugned judgment requires any interference by this Court. Hence, leave to appeal is rejected.

K. Thankappan,
Judge.

mn.

K.Thankappan,J.

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ORDER

20-12-2006